

REMARKS/ARGUMENTS

This response responds to the Office Action dated December 6, 2004, in which the Examiner issued a final rejection of claims 21-40 in view of the combination of Landsman et al., U.S. Patent App. Pub. No. 2003/0004804 and the source code of www.Pornrodeo.com dated October 13, 1999. Enclosed with this response is a Request for Continued Examination, a Petition for Extension of time, and the appropriate fee.

The applicant respectfully contends that the Examiner's response to the applicant's prior arguments failed to show a motivation, in the prior art, for making the proffered combination. In fact, were the proffered combination to be made, the entire purpose of Landsman would be defeated. As conceded by the Examiner, Landsman discloses a method for playing advertisements in an interstitial, i.e. the delay between a user navigating to a new website and the loading of that website. Landsman discloses that the advertisement is generally shown in the same window that is being browsed. The Pornrodeo reference, conversely, only discloses code by which a website displayed in one browser opens up a related website in the background where it will not be visible until the user takes action by closing the foreground window displaying the initial website. Also as conceded by the Examiner, neither the pornrodeo code nor Landsman includes any means by which a background window may be superimposed over a foreground window. Therefore, were Landsman to be modified to include the pornrodeo code, as suggested by the Examiner, advertisements would no longer presented to a user during an interstitial, but would instead be hidden from the user until such time as the user happened to close the foreground window. Nothing in the prior art suggests the desirability of such a combination.

The Examiner's response to this argument was to first point out that multiple advertisements could be stored in Landsman's queue. This response misses the point.

Regardless of how many advertisements are loaded into cache memory, or even the number of advertisements opened in background windows but hidden from the user, Landsman's system intends for advertisements to be *presented to a user during an interstitial* for viewing. Neither Landsman nor any other cited reference discloses the desirability of, upon the beginning of an interstitial, loading Landsman's advertisements in a background window where a navigator cannot see the advertisement.

The Examiner further argues that, because applicant's claims broadly claim the displaying of the background advertisement after a "view triggering event", that the claims read upon the cited combination. Again, this argument misses the point. The Examiner's initial obligation is to provide a motivation for the combination, and if there is no such motive, the rejection is improper even though the combination includes all claimed elements. The applicant's argument is that, given that Landsman teaches the display of an advertisement during an interstitial, and given that neither pornrodeo nor Landsman includes any means for superimposing a background window over a foreground window, a person of ordinary skill in the art would not make the suggested combination because Landsman's advertisements would no longer be played during interstitials, as intended.

Furthermore, even if Landsman and pornrodeo were combined with some other prior art code for superimposing a background window over a foreground window, there would still be no motive for the proffered combination. If an advertisement of Landsman were fully loaded into cache memory at the beginning of an interstitial, when it was intended to be presented (and irrespective of whether additional advertisements were also loaded in the queue) the advertisement would always be loaded in the foreground window because it is ready for presentation. There would be no sense in loading the advertisement in the background, merely to then instantly move the advertisement to the foreground. If the advertisement requires an additional window, such as a media player, a pop-up foreground window would open because, again, the advertisement is to be presented

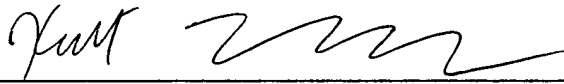
Appl. No. 09/866,425
Amdt. dated Jun. 6, 2005
Reply to Office Action of Dec. 6, 2004

immediately to the user. Thus there would never be any reason to modify Landsman to open an advertisement in the background, behind a foreground window.

In view of the foregoing remarks, the applicant respectfully requests reconsideration and allowance of claims 21-40.

Respectfully submitted,

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